

REPLACEMENT: EXECUTIVE OFFICER SUMMARY REPORT
April 10, 2002

ITEM: 7

SUBJECT: A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for the Discharge of Burn-Ash Wastes into Temporary Waste Piles During Cleanup and Abatement of Burn-Ash Wastes Located in Proximity to 38th and Quince Streets in the City of San Diego (Brian McDaniel)

PURPOSE: Adopt a conditional waiver of Waste Discharge Requirements to facilitate a project for cleanup and abatement of burn ash wastes located in a residential area of the City of San Diego.

PUBLIC NOTICE: Pursuant to Title 23 CCR Chapter 15, the Regional Board on February 20, 2002 published a notification to the public of its intent to consider an agenda item to adopt a waiver of Waste Discharge Requirements during the Regional Board meeting to be held on April 10, 2002. An additional notification was sent on February 22, 2002 to the residents of the affected properties within the project area.

DISCUSSION: Remediation contractors working for the U.S. Environmental Protection Agency will implement the proposed project to cleanup and dispose of burn ash wastes. Additional regulatory oversight will be provided by the California Department of Toxic Substances Control (DTSC) and the City of San Diego Local Enforcement Agency (LEA). The proposed project is a short-term cleanup involving the excavation of wastes, creation of temporary waste piles, transport, and disposal of burn ash wastes at a Class I facility (at Kettleman Hills) in California. The project schedule requires the work to be conducted during the late spring to summer season with the lowest probable occurrence for a significant precipitation event.

California Water Code Section 13269 authorizes Regional Boards to waive the adoption of waste discharge requirements for a specific discharge or a specific type of discharge where such a waiver is not against the public interest.

On February 15, 2002, the City of San Diego submitted a Report of Waste Discharge (Attachment 1) and supporting documents in

application for a waiver from Waste Discharge Requirements for temporary waste piles during the cleanup and abate burn-ash wastes. Tentative Resolution No. R9-2002-0069 (Attachment 2) is a conditional waiver of waste discharge requirements for the creation of temporary waste piles during the cleanup and abatement of burn ash wastes in a residential area in the City of San Diego. Project location maps are included in Attachment 3.

On March 28, 2002, the Regional Board received a comment letter from the City of San Diego with suggested text changes and a revised site map including waste pile locations (Attachment 5). The Regional Board staff has determined that the City's proposed text changes would not substantially improve or change the findings of the Tentative Resolution. However, the Tentative Resolution will be amended to include the revised site map provided by the City and included in Attachment 6.

It is anticipated that the City of San Diego (City Council) will adopt the Mitigated Negative Declaration, on April 9, 2002, for the cleanup and abatement of burn ash wastes located in proximity to Quince and 38th Streets in the City of San Diego. If this occurs, the City staff will be prepared to provide the Regional Board with documentation/testimony regarding the adoption of a Mitigated Negative Declaration for the proposed project. If the City Council fails to adopt a Mitigated Negative Declaration, this item will be pulled from the agenda and postponed until a later date.

Compliance with the conditions specified in Tentative Resolution No. R9-2002-0069 will significantly reduce the risk that the proposed discharge of wastes will create a condition of pollution of nuisance as defined by the California Water Code (Attachment 4).

LEGAL CONCERNS: None

SUPPORTING
DOCUMENTS: Attachment 1: Report of Waste Discharge
Attachment 2: Tentative Resolution No. R9-2002-0069
Attachment 3: Location Map- Figure 2
Attachment 4: Regional Board Staff Report for Item 7
Attachment 5: Comment letter from the City of San Diego
Attachment 6: Revised Site Map with Waste Pile Locations
Attachment 7: Errata Sheet for Item 7

SIGNIFICANT
CHANGES: None.

RECOMMENDATION: Regional Board staff recommends adoption of Tentative Resolution R9-2002-0069.